



Procedure Committee

Oral evidence: [e-Petitions](#), HC 235

Wednesday 5 November 2014

Ordered by the House of Commons to be published on 15 October 2014.

– [Listen to the meeting](#)

Members present: Mr Charles Walker (Chair); Nic Dakin; Thomas Docherty; Sir Roger Gale; Mr David Nuttall; Jacob Rees-Mogg; Martin Vickers

Questions 95-118

Witness: [Rt Hon William Hague MP](#), Leader of the House of Commons

Q95 Chair: I am going to ask a very straightforward question. Why are we—you, the Government, and us, the House—such fans of an e-petitioning system?

Mr Hague: Well, I think we need a modern, reliable, understandable, well-used system of petitions. Since people want to petition the Government and Parliament, it makes a lot of sense to have an integrated system where the Government has to respond and where Parliament can decide how to take it forward. I would say there is a historical justification and there is a forward-looking justification, although they are closely connected to each other. Petitioning has been, over centuries, a vital form of popular representation to Parliament, particularly before the universal franchise on the part of people who did not even have a vote. In the days I have written about of the campaigns against the slave trade and slavery, the weight of petitions from hundreds of thousands of people was a major factor in Parliament's examination of these issues. It is an important part of our parliamentary history in this country. In the information age we are living in now, where people want to have some closer connection with Government and Parliament and know what response is made to them on particular issues, it can be developed in a way that helps with that as well. I think, looking backwards or forwards, it is something that we need to do.

Q96 Chair: You think a collaborative approach between the House and Government is a good thing? As you know, there are some colleagues

who are concerned about creating confusion as to what is the Executive and what is Parliament. You think the two can co-exist quite happily?

Mr Hague: I think that most people when they sign a petition on a particular issue are not distinguishing between Government and Parliament. They are looking for Parliament to discuss it and Government to do something about it, and the two are connected. In our system, they are connected since the Government sits in Parliament. We do not have a separation of Executive and legislature, so the voters who think that are right partially. They should not have to raise two petitions, one to go to Ministers and one to go to Parliament. We ought to be capable of devising a system—as the Committee and I, I think, are agreed—which puts pressure on a Government to respond, to say what they are going to do about a particular issue, but also draws attention to the issue in Parliament.

Q97 Chair: My final question—I think colleagues will come back to this. One thing I am drawn to as Chairman of the Committee, but I am only one voice among many, is the idea of an e-petition select committee that oversees the process. I think that would be very reassuring to the House and it will also ensure that Members of Parliament have a real hands-on role and play a major part in the success of this initiative.

Mr Hague: I think that would be a good idea, although you might wish to recommend exactly what form that could take. One could imagine it being a sub-committee of the Backbench Business Committee, but we could also imagine it being a self-standing committee. I think it is important to have a committee in some form to highlight to the public that Parliament treats this seriously, to make sure that government departments respond properly and fully, and to be able to recommend debates when necessary. There is a strong case for a petitions committee. I think we would have to make sure that it was not taking over the role of any other committees. There would have to be some demarcation to ensure it was not the committee inquiring into every subject that was raised in a petition and was overseeing the petitions system, but I would be very interested in all your recommendations on it.

Chair: I am sorry I cut across you, Sir Roger, and I do apologise, but I am sure you have some follow-up questions to that response.

Q98 Sir Roger Gale: That is all right. I will accept your apology. The Chairman and I do not entirely agree about this because he clearly believes there should be a separate committee and it seems to me that it is part of the duty of the Procedure Committee. We already scrutinise the occasional failure of Ministers not to respond in timely fashion or proper fashion to parliamentary questions. It does not strike me that it would be

beyond the wit of man, rather than creating yet another committee, to simply make it a duty of the sub-committee of the Procedure Committee, and say that three members or whatever of this Committee will scrutinise the petition system and approve or disapprove petitions going forward, and determine whether they are in the correct form or not. Otherwise, we are in some danger of creating a petitions industry, aren't we?

Mr Hague: I do not think we should be afraid of encouraging the sending of petitions to Parliament, but I do think there is a case, as I was mentioning in answer to the Chairman's question, for the committee being a sub-committee of another committee. It could be the Procedure Committee. It could be the Backbench Business Committee. It is up to you to recommend that.

One thing we would have to do if a standalone petitions committee were created, is to bear in mind that we cannot inflate indefinitely the number of committees. In a new Parliament, a decision would have to be made about removing another committee in order to make way for that. One way around that is to make it a sub-committee of another committee. I would only say, if it is a sub-committee the public need to be able to see it as a petitions committee. Maybe they would not worry about it being a sub-committee of another committee, but they have to understand there is a specific committee that will make sure that this is overseen in the correct way, that government departments do have to respond to it, and so on.

Q99 Sir Roger Gale: The other suggestion that I put forward—partly in the interests of saving taxpayers money and partly in the interests of impartiality—is that as an alternative to it being run just as a sub-committee of the Procedure Committee, it could be run under the auspices of the Speaker's Panel of Chairmen. The chairmen, of course, are already remunerated for the additional work that they do and are recognised across the floor as being impartial when they are doing their work. I have been doing it for 15 or 17 years or something and I cannot recall my impartiality or that of any other member of the panel ever being challenged. I will ask you to comment on this, but it seems to me that it is important that if the public are to have confidence in the scrutiny of the system it should be as beyond reproach as possible.

Mr Hague: It must be beyond reproach and, I am, as I am sure most of the House will be, entirely open to the views of this Committee on that. I would tend to the argument that there needs to be an identifiable committee for this purpose. From whatever group it is drawn or from whatever other committee or panel it is made up, people need to be able to see. We should be able to say on the relevant website there is a petitions committee there—a group of Members of Parliament across parties who are going to be able to look at this

petition to make sure the Government responds, to refer it to a debate if necessary. Personally, I do not have an emphatic view about which form that takes. I think we look to be guided by this Committee on that.

Q100 Nic Dakin: Just to pick that up again, I thought you gave very powerful testimony there about the long tradition of petitioning, both in the past and going forward in the future. You also said the public needs to have confidence. Isn't the best way of giving the public confidence to have a standalone petitions committee, which is clearly separate for the public to see given all the other things we do, rather than semantically placing it as a sub-committee?

Mr Hague: Well, that is the argument for a standalone committee. One can also argue, though, that the public will not mind what our structure is in this House provided it is a petitions committee that they can respect, that is cross-party, that is impartial, as Sir Roger said, and that does its job. I do not think they would worry too much that that was a sub-committee of another committee provided it did all those things.

Chair: Does anybody want to continue with that subject of the committee? Jacob, are you happy?

Jacob Rees-Mogg: I am very happy. I am very pleased to hear so much agreement between this Committee and the Leader of the House.

Q101 Chair: Can we move to signature thresholds because I think that is quite important? Currently, there are about 15,000 petitions that come in and I think many of them only have one or two signatures on them. What we are minded to recommend is that to lodge a petition on the system you have to have your name plus four others, which is five signatures, basically. Now, that does not sound like an enormous number, but at a stroke that will probably reduce the number of petitions by 50%. I think that is probably a good thing because these are petitions, not letters. Would you have a view on thresholds for signatures before the system accepts a petition?

Mr Hague: I would be very happy with that, if the Committee are minded to recommend that. I am, in any case, similarly minded. Where an individual wants to get in touch with Parliament there is a well-established route we all experience every day—individuals writing to their Member of Parliament. Petitions are predominantly for where there are several people together who wish to do so. Therefore, having that sort of minimum threshold would be fine, well understood and accepted provided that we give sufficient time and opportunity—the way the technology works—for people to find those other four people.

They need to be able to bring their petition forward, suggest who the other four or more people might be and be given some time for it to be confirmed that those people exist and are in agreement, before their petition would go forward for moderation. We need to give them fair time to do that so they do not have to physically bring together or have all those five people absolutely confirmed at the beginning. Provided we do that, I think that would be very fair.

Q102 Chair: Just one other thing on thresholds, there are thresholds for action between getting a Government response at one end, up to getting a debate in Westminster Hall at the other. If you have discretion in thresholds you could create unhappiness. Whatever system you have is going to create unhappiness, for example, if you had one petition with 150,000 signatures and received a debate in Westminster Hall, but one with 180,000 did not because there is that element of discretion. Do you think that could be a serious problem or do you think people have to accept that there needs to be some flexibility?

Mr Hague: I think people will accept some flexibility because, after all, we will have situations where the subject of a petition has just been debated for another reason.

Chair: Exactly.

Mr Hague: Or has been the subject of a Bill where the House has spent many days discussing it in that particular session, or the Opposition Day has just been used for this purpose. There has to be some flexibility in this. Where flexibility is particularly attractive for the future petitions committee—whatever form it takes—is to go down below the 100,000 and say, “This one has 85,000 signatures but it is an issue that the House has not debated and is not proposing to in any other way, so let us go under the threshold”. I would think of it more in that direction that the House would want to use flexibility.

Q103 Chair: My suspicion is once you start getting to 80,000 to 120,000 to 150,000 signatures, for example, the chances are that there will be Members of Parliament who even without that petition would probably bring it before the Backbench Business Committee anyway.

Mr Hague: Yes, that is true.

Chair: I do not think there will be a lot of scope for disappointment within this because Members of Parliament are pretty good at picking up on national and local concerns and bringing them to the floor of the House.

Q104 Thomas Docherty: First of all on thresholds, as I understand it, what the Government is suggesting is that once a petition reaches 10,000 signatures the Government would then issue a response. Now, some

government departments are a little bit tardy at replying to parliamentary questions or even correspondence. Do you have a timeframe in mind for how long would be the norm for a Government response to a petition once it has reached the 10,000 threshold?

Mr Hague: Well, it should not be very long. We can pick a number of days, can't we, or you can pick when you recommend a number of days. It should not be very long and it would be part of the role of the petitions committee, of whatever form, to harry any government department that was falling down on its duty on that, as indeed you do with departments that are not good at answering their parliamentary questions. I am picking something out of the air, but a department needs two or three weeks to assemble a good response. It does not need months in order to do so. It needs something more than days and something less than months in order to do so.

Thomas Docherty: We will skirt over the fact that your predecessor took 18 months not to reply to the PCRC report on lobbying.

Mr Hague: Well, the Leader of the House is not a department, of course.

Q105 Thomas Docherty: The other issue about thresholds is we are minded that once a petition has reached that initial threshold of, say, five and it has then been through whatever committee process sausage machine that we set up, when it goes on to the website for further signatories it would be protected by privilege because it would be a proceeding of the House. Would that concern you?

Mr Hague: Well, that requires good moderation, doesn't it, so that we do not get into that problem. That is partly what the moderation is for so that things that would raise issues over privilege are not sitting there on a government or parliamentary website. It would concern me if we did not deal with that properly, yes, but that can be dealt with in the moderation. I think that is what we do now and that is what we should be able to do in the future.

Q106 Jacob Rees-Mogg: I just want to follow up on that. There is, as far as I know, a very little used right in the Bill of Rights and an absolute right to petition the sovereign that is not qualified in any way. I just wonder how this relates to what we are trying to do and whether there is the risk of this getting involved in our process. It is one of the clauses of the Bill of Rights.

Mr Hague: Well, I do not think this is a danger. I do not think there is a massive consciousness of this clause in the Bill of Rights.

Jacob Rees-Mogg: I do not think there is, but if you have this great system set up—

Mr Hague: I also think people understand that in the modern day it is through petitioning the Ministers of the Crown that they are petitioning the Crown, and those people who exercise a great part of the royal prerogative are those who are the right ones to petition.

Q107 Jacob Rees-Mogg: That is right. Therefore, they are using this right and that is completely privileged under the Bill of Rights. The question is how you limit that right, which I think we obviously need to do. We do not want vexatious, libellous, sub judice petitions.

Mr Hague: Yes. I think another value in having a dedicated committee, or sub-committee as we discussed earlier, is that that committee can, of course, oversee how that moderation process is taking place. If people wish to complain that they have been unfairly not allowed to proceed with a petition that is exactly the sort of thing the committee could look at, in the impartial way that Sir Roger described.

Chair: Are you happy?

Jacob Rees-Mogg: I am very happy, yes.

Q108 Martin Vickers: Do you think with a small threshold we perhaps are in danger of trivialising the whole process to some extent? Getting a handful of signatures on to a petition is very easy, coming from friends and neighbours and so on. Also, if it becomes easier and then more trivial lobby groups jump on the bandwagon and use it to send something to their members to say, "How about a petition about so and so?" it could balloon in the same way as requests for freedom of information have ballooned and are a strain on the many public bodies dealing with it all. Could it get out of hand?

Mr Hague: I think that would only happen if we were setting the thresholds very low for responses from the Government and for parliamentary debates. In this country, to get 10,000 signatures or 100,000 signatures does require a groundswell of opinion in part or all of the country. That is policed by setting thresholds of that kind. Could one argue for a higher threshold than the five you are thinking about in order to be able to proceed to moderation? Well, you could but we should be erring on the side of making this system accessible and open to the public, not deterring them from doing so. Sometimes there will be very successful petitions that started off with a small number of people trying to draw attention to an issue previously disregarded and unknown. We still have to provide for that small number to be able to set the ball rolling on something.

Q109 Chair: Can I do a follow-up to Martin's question, Leader? I think the important thing about having a petitions committee is that we will be able to sniff out those petitions that are serially motivated by well-funded pressure groups. There is one that will leap to all our minds at the moment and what we just cannot have is a sausage machine of their petitions coming through and getting debated on the floor of the House. We have to make sure with a petitions committee that the small guy who goes out and gathers the voices gets their chance as well, and that may be well below 100,000. We have to be sensitive to the fact that there are well-funded pressure groups out there who will find it quite easy to get 100,000 but they should not always get their moment on the floor.

Mr Hague: Absolutely, and another reason why the flexibility for the petitions committee in how and when it recommends debates, has to be there. The flexibility has to exist.

Q110 Mr Nuttall: The Chairman talked about the costs. Clearly, at the moment it is effectively a government scheme. Are you happy that the costs should be divided equally or should they be all borne by the commission? I am perhaps asking you in your role as sitting on the commission here rather than Leader of the House.

Mr Hague: Well, I sit on both.

Mr Nuttall: You have a foot in both camps on this.

Mr Hague: I think the costs should be shared. I do not think it has to be arithmetically equal necessarily, but broadly shared. The Government is planning to continue to own and manage the technical infrastructure to deliver the whole system and the Government Digital Service is prepared to provide the hosting services and all the technical support on a continuing basis, so that would be quite a substantial commitment from the Government. It might be reasonable for the House to bear the costs of moderation and of support for the petitions committee. There will have to be a negotiation about that between the Cabinet Office on the one hand and the House on the other. Both are paying for costs at the moment of various kinds. We will need to know more about the costs of all aspects of the new system before we can reach a formal agreement on this. Broadly, I think it should be shared, yes.

Q111 Sir Roger Gale: I have a concern that we are in some danger of not only trying to reinvent the wheel but starting from a square one. You indicated, entirely properly, that there was a sound historic basis for the petitioning principle. It goes back to the days when people used to petition the Monarch in Westminster Hall.

Mr Hague: Yes.

Sir Roger Gale: More recently, there was a form of words, which was slightly archaic and arcane but, nevertheless, defined the nature of the petition in terms that meant it really could not be libellous. We have relaxed that slightly and that is probably a good thing because we have moved into the 20th century if not the 21st. It was moderated by the petitions clerk before it was presented to the House under the auspices of a Member who effectively had ownership of a petition. We have not talked about that today and it seems to me that before we start changing too much, it would be sensible to maintain the tradition of inviting a Member to take ownership of the petition from the very beginning. It is not necessarily essential, but that immediately gives it an imprimatur and some sense of management and a liaison—whether it is a petitions committee, whether it is the chairman of the panel, whether it is a clerk responsible for mediation or monitoring in the beginning. It would be a great shame, wouldn't it, if that tradition was lost completely? We cannot have libellous and seditious and racist stuff appearing under the cover of parliamentary privilege for a start, and under the guise of being just a petition. So, that has to be moderated. What is wrong in principle with the system that we had for paper petitions translated, effectively, into something that fits equally well with electronic petitioning?

Mr Hague: Well, we could in practice do that. It would be an additional requirement on Members of Parliament given the numbers that are now involved. I would tend to err on the side of the argument that says that we want to—as I was saying to Martin Vickers on a different issue—make this as accessible as possible. Therefore, it helps to make it accessible for people not to have to seek the sponsorship or activity of their Member of Parliament when they put forward a petition. There are many other things for which they will need to do that, but it makes it easier for them to be able to do this without having to get either the support or involvement of an MP.

On grounds of accessibility in the modern communication and information age, I would allow people to do so directly. You could argue, then, every MP should be involved in any petition raised in their own constituency, but I am not sure Members would be happy about that. So many petitions now, unlike in former ages, come from people all over the country simultaneously. Then there would be a requirement for different MPs to co-ordinate to decide who was sponsoring it and owning it.

Sir Roger Gale: Yes, forgive me, like the Thames they have to have a source. It may be a damn great river but it still starts as a trickle somewhere.

Mr Hague: Yes, but I think then you are into, okay, one person started it in Thanet and then 20 signed it in Richmond, Yorkshire, and whose petition is it then? In our current age, it would make it more complex and difficult for people to petition Parliament and more complex for Members of Parliament. I think Members of Parliament should have access to data about petitions raised, who has signed what petitions—or how many people, at least, have signed what petitions rather than who; the number of people who have signed a petition on a particular issue in their constituency. I do not think we should be requiring them to be involved in every case for this system to work.

Q112 Chair: Leader, this leads us into the final question that I have. What information should be available to Members of Parliament about those signing the petition? One of the thoughts we chewed over with the IT guys was that if you add your name to a petition, you could tick a box that would say, “I am willing for my contact details to be forwarded on to my Member of Parliament” and it is very easy to do a postcode match. Do you think that is a good idea? It could be provided in a weekly readout. The format in which it is provided could be discussed at a later date; it is the principle. Do you think it is a good principle that people should be allowed to use this facility to notify their Member of Parliament that they have a particular view on a particular issue?

Mr Hague: Yes, basically, but I think that should require them to take that additional action if they want to do that, to tick an additional box, “I want to express my view to my own Member of Parliament about this issue”. I think I would do that if that can technically be done, which I would hope it could be. As I say, I think that MPs ought to be able to know how many people in their constituency have signed a petition on a particular issue. I would not go so far as to just automatically send on to the MP everybody who signed that petition in their constituency with their e-mail addresses. That would be going too far. There would probably be data protection issues about where the list of names and addresses ended up. Having an additional link where people take an additional step to contact their MP is probably a good idea.

Chair: Right. Thank you. Does anybody have any other questions to put to the First Secretary of State before I move on to Mr Docherty?

Q113 Thomas Docherty: Just on this issue of e-mail addresses being shared, thankfully I am not a lawyer and I do not think you are a lawyer either, are you?

Mr Hague: Thankfully not.

Thomas Docherty: Isn't there a danger about data protection, that as an individual you have—

Mr Hague: Yes, I just said that, yes.

Chair: It would have to be a conscious decision.

Q114 Thomas Docherty: Have you taken legal advice about it, is where I am getting to because we are not lawyers?

Mr Hague: Well, we could get you any legal advice. I think—but the many people who are much nearer to being lawyers sitting behind me will correct me if I am wrong—if the individual constituent wanted to contact their MP and to send on their views to the MP through the website, I do not think that raises any data protection difficulty.

Mr Nuttall: Yes.

Chair: You are a lawyer.

Mr Nuttall: Well, they are taking a separate step. They are choosing to notify their MP.

Mr Hague: Yes. However, saying, “1,000 people have signed this petition in your constituency. We are sending you all their e-mail addresses” is another thing altogether, both on data protection but also if Members then use that as a campaigning tool, “I am now going to e-mail those 1,000 people about this and every other issue”. That could damage the petitions system. It could put people off using the petitions if they thought they were then going to be deluged permanently by their MP on a regular basis with views on every other subject. On various plans, I would say go as far as ticking the extra box to contact the MP, but that should be up to the constituent whether to do that.

Q115 Thomas Docherty: I think, Mr Chairman, it would be helpful if the First Secretary of State could share—obviously not share Government legal advice because that is a whole minefield—

Mr Hague: It is.

Thomas Docherty: —but if the Government could ask—

Mr Hague: For some advice to be provided to the Committee, yes.

Thomas Docherty: We could then share that with the House more widely to say, “This is why we have reached—these are the clear rules”.

Chair: Because you could say there will be some Members who would argue we should have it automatically, we must have it, and it does not work like that.

Mr Hague: Okay. We will provide a note to the Committee on this.

Chair: Brilliant. Now, Mr Docherty has some questions that fall outside e-petitions.

Thomas Docherty: About the other—

Chair: Yes, you can talk about anything you like.

Q116 Thomas Docherty: Your predecessor undertook to provide time for various reports to be debated and for whatever reason that time was not forthcoming; for example, our private Members' bills report. I am sure the clerk has a list of those reports that are waiting. I know we have a packed legislative programme, but is it your intention rather than just aspiration that before Christmas we would have time for the various committee reports to be discussed?

Mr Hague: Which other ones are you referring to? Which other reports? I know there is the outstanding one on private Members' bills procedures, which you mentioned to me.

Chair: Business in Westminster Hall—

Mr Hague: The recent one on Business in Westminster Hall.

Chair: —which is quite recent, and elections to House positions.

Thomas Docherty: To be fair, all our reports are outstanding.

Mr Hague: Well, I am not in a position to say today.

Chair: Shall we provide you with a note?

Mr Hague: Yes, do provide me with a note on all the outstanding in every sense reports. I certainly cannot give a commitment that they will be debated before Christmas, certainly not all of them will be debated before Christmas, but I will take a look at those that are outstanding. Of course, as we get towards the end of the Parliament we will have a crunch on parliamentary time, but I know that some of them are designed to be discussed before the end of the Parliament so I will bear that in mind.

Q117 Chair: Now, First Secretary of State, I have one final question to you. Are you enjoying being Leader of the House? I hope you are.

Mr Hague: Yes, enormously.

Chair: It is a great job to have.

Mr Hague: Yes, I am only doing it until the dissolution of Parliament. I do not enjoy it so much that I am reversing my decision to stand down

from the House of Commons. It has many interesting problems, like my previous job, without the jet lag.

Q118 Chair: On a serious point, it is very nice to see the job go along with a full Cabinet position. I think I can speak for the whole Committee when I say that in the next Parliament, whoever is forming the Government, it would be extremely good to see the position carry full Cabinet rank as it did up until this Parliament, I think.

Mr Hague: Well, that will be up to the Prime Minister of the day after the general election.

Chair: Historically, it has carried full rank, though.

Jacob Rees-Mogg: Historically, it was the Prime Minister.

Mr Hague: It was, historically.

Jacob Rees-Mogg: Not a bad precedent, is it?

Mr Hague: It was historically the Prime Minister, that is right, and of course it would be easier to do that if we did not have a coalition Government next time, but that is up to the voters.

Thomas Docherty: Didn't Winston Churchill manage to do it and have a coalition at the same time of three parties?

Mr Hague: That was a rather unusual coalition, yes, in rather extreme circumstances.

Chair: Right. Well, having exhausted and flogged that one to death, we will let the Leader of the House move on to his next engagement. Thank you very much.

Mr Hague: Thank you to the Committee.